

Applicant: Don Fishbein  
Serial No.: 10/799,197  
Filed: March 12, 2004  
Page 13

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with his duty of disclosure under 37 C.F.R. §1.56, the applicant directs the Examiner's attention to the following documents which are listed on the PTO-1449 form attached hereto as **Exhibit A** and are also listed below. Document #1 is a U.S. Patent, and no copy of this document is attached hereto as permitted under 37 C.F.R. §1.98(a)(2)(ii). Copies of documents 2-29 are attached hereto as **Exhibits 1-28**.

1. U.S. Patent No. 5,096,916, issued March 17, 1992, Skupin;
2. December 4, 2006, Verified Complaint For Patent Infringement, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey; (**Exhibit 1**);
3. December 12, 2006, Notice of Appeal, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey; (**Exhibit 2**);
4. December 12, 2006, Sandoz's Memorandum In Opposition To Savient's Emergency Motion For Stay Pending Appeal Of The District Court's Order Vacating Temporary Restraints And Denial Of A Preliminary Injunction, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey;

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Serial No.: 10/799,197  
Filed: March 12, 2004  
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- (Exhibit 3);
5. December 12, 2006, Upshur-Smith's Response In Opposition To Savient's Emergency Motion For Stay Pending Appeal Of The District Court's Order Vacating Temporary Restraints And Denial Of A Preliminary Injunction, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey; (Exhibit 4);
  6. December 14, 2006, Savient's Reply In Support Of Its Emergency Motion For Stay Pending Appeal Of The District Court's Order Vacating Temporary Restraints And Denial Of A Preliminary Injunction, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey. (Exhibit 5)
  7. Office Action issued March 23, 2007 in connection with U.S. Serial No. 10/799,264; (Exhibit 6)
  8. Office Action issued June 30, 2006 in connection with U.S. Serial No. 10/799,264; (Exhibit 7)
  9. Final Office Action issued March 13, 2006 in connection with U.S. Serial No. 10/799,264; (Exhibit 8)
  10. Office Action issued June 8, 2005 in connection with U.S. Serial No. 10/799,264; (Exhibit 9)
  11. Final Office Action issued March 26, 2007 in connection with U.S. Serial No. 10/052,961; (Exhibit 10)
  12. Office Action issued August 25, 2006 in connection with U.S. Serial No. 10/052,961; (Exhibit 11)

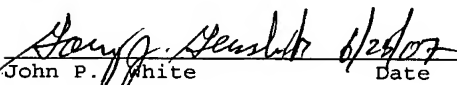
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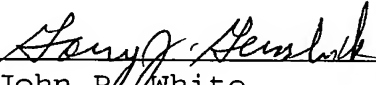
13. Advisory Action issued June 5, 2006 in connection with U.S. Serial No. 10/052,961; (**Exhibit 12**)
14. Final Office Action issued January 6, 2006 in connection with U.S. Serial No. 10/052,961; (**Exhibit 13**)
15. Office Action issued April 11, 2005 in connection with U.S. Serial No. 10/052,961; (**Exhibit 14**)
16. Office Action issued June 17, 2004 in connection with U.S. Serial No. 10/052,961; (**Exhibit 15**)
17. Advisory Action issued April 28, 2004 in connection with U.S. Serial No. 10/052,961; (**Exhibit 16**)
18. Final Office Action issued January 14, 2004 in connection with U.S. Serial No. 10/052,961; (**Exhibit 17**)
19. Office Action issued April 9, 2003 in connection with U.S. Serial No. 10/052,961; (**Exhibit 18**)
20. Office Action issued January 23, 1996 in connection with U.S. Serial No. 08/244,988; (**Exhibit 19**)
21. Office Action issued March 2, 2000 in connection with U.S. Serial No. 08/244,988; (**Exhibit 20**)
22. Office Action issued May 15, 2001 in connection with U.S. Serial No. 09/469,817; (**Exhibit 21**)
23. Notice of Allowability issued October 18, 2004 in connection with U.S. Serial No. 10/011,377; (**Exhibit 22**)
24. Office Action issued July 28, 2004 in connection with U.S. Serial No. 10/011,377; (**Exhibit 23**)
25. Notice of Allowability issued June 10, 2004 in connection with U.S. Serial No. 10/011,377; (**Exhibit 24**)
26. Office Action issued December 17, 2003 in connection with U.S. Serial No. 10/011,377; (**Exhibit 25**)

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No fee, apart from the enclosed fee of \$180.00 fee for submitting a Supplemental Information Disclosure Statement, is deemed necessary in connection with the filing of this Amendment and Supplemental Information Disclosure Statement. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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|--|------|
| I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: |      |
| Mail Stop Amendment<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450  |      |
| <br>John P. White   | Date |
| Reg. No. 28,678  |      |
| Gary J. Gershik  |      |
| Reg. No. 39,992  |      |

  
John P. White  
Registration No. 28,678  
Gary J. Gershik  
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Applicant: Don Fishbein  
Serial No.: 10/799,197  
Filed: March 12, 2004  
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27. Office Action issued June 18, 2003 in connection with U.S. Serial No. 10/011,377; (**Exhibit 26**)
28. Office Action issued December 1, 1999 in connection with U.S. Serial No. 08/985,734; (**Exhibit 27**) and
29. Office Action issued July 7, 1998 in connection with U.S. Serial No. 08/985,734. (**Exhibit 28**)

Applicant is filing this Supplemental Information Disclosure Statement under C.F.R. §1.97(c)(2), before the mailing of a final office action on the merits. A check in the amount of ONE HUNDRED EIGHTY DOLLARS (\$180.00) is enclosed per the fee set forth in 37 C.F.R. §1.17(p).

Applicant requests that the Examiner review the references and make them of record in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

Form PTO-1449  
SUBSTITUTEU.S. Department of Commerce  
Patent and Trademark Office

|                      |                              |
|----------------------|------------------------------|
| Application Number   | 10/799,197                   |
| Filing Date          | March 12, 2004               |
| First Named Inventor | Don Fishbein                 |
| Art Unit             | 1614                         |
| Examiner Name        | Alicia R. Hughes             |
| Attorney Docket No.  | 52427-AB<br>/JPW/GJG/BJA/PJS |

INFORMATIONAL DISCLOSURE STATEMENT  
(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|--------------------|-----------------------|---|--------------------------------|---|
|                    |                       | 5,096,916   | 3-17-1992                      | Skupin  |
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## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T <sup>6</sup> |
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EXAMINER  
SIGNATURE

DATE CONSIDERED

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds of Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English Language Translation is attached.

Applicant: Don Fishbein  
Serial No.: 10/799,197  
Filed: March 12, 2004  
Exhibit A

**EXHIBIT A**

**Applicant: Don Fishbein**

**Serial No.: 10/799,197**

**Filed: March 12, 2004**

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| <b>Form PTO-1449</b><br><b>SUBSTITUTE</b><br><br><b>U.S. Department of Commerce</b><br><b>Patent and Trademark Office</b><br><br><b>INFORMATION DISCLOSURE CITATION</b><br>(Use several sheets if necessary) | Application Number   | 10/799,197                  |
|  | Filing Date          | March 12, 2004              |
|  | First Named Inventor | Don Fishbein                |
|  | Art Unit             | 1614                        |
|  | Examiner Name        | Alicia R. Hughes            |
|  | Attorney Docket No.  | 52427-AB<br>JPW/GJG/BJA/PJS |

### NON PATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.   | T <sup>2</sup> |
|-------------------|-----------------------|--|----------------|
|                   |                       | December 4, 2006, Verified Complaint For Patent Infringement, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey  |                |
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|                   |                       | December 12, 2006, Upshur-Smith's Response In Opposition To Savient's Emergency Motion For Stay Pending Appeal Of The District Court's Order Vacating Temporary Restraints And Denial Of A Preliminary Injunction, Savient Pharmaceuticals, Inc. v. Sandoz, Inc. and Upshur-Smith Laboratories, Inc., Case No. 06-CV-5782 (PGS), United States District Court For The District of New Jersey |                |
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|                   |                       | Office Action issued March 23, 2007 in connection with U.S. Serial No. 10/799,264  |                |
|                   |                       | Office Action issued June 30, 2006 in connection with U.S. Serial No. 10/799,264   |                |

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| <b>Form PTO-1449</b><br><b>SUBSTITUTE</b><br><br><b>U.S. Department of Commerce</b><br><b>Patent and Trademark Office</b><br><br><b>INFORMATION DISCLOSURE CITATION</b><br>(Use several sheets if necessary) | Application Number   | 10/799,197                   |
|  | Filing Date          | March 12, 2004               |
|  | First Named Inventor | Don Fishbein                 |
|  | Art Unit             | 1614                         |
|  | Examiner Name        | Alicia R. Hughes             |
|  | Attorney Docket No.  | 52427-AB<br>/JPW/GJG/BJA/PJS |

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| Examiner Initials <sup>*</sup> | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|--------------------------------|-----------------------|--|----------------|
|                                |                       | Final Office Action issued March 13, 2006 in connection with U.S. Serial No. 10/799,264  |                |
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|                                |                       | Notice of Allowability issued October 18, 2004 in connection with U.S. Serial No. 10/011,377   |                |

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| Form PTO-1449   | U.S. Department of Commerce |
| Application Number  | 10/799,197                  |

**Patent and Trademark Office**

|                             |                                      |
|-----------------------------|--------------------------------------|
| <b>Filing Date</b>          | <b>March 12, 2004</b>                |
| <b>First Named Inventor</b> | <b>Don Fishbein</b>                  |
| <b>Art Unit</b>             | <b>1614</b>                          |
| <b>Examiner Name</b>        | <b>Alicia R. Hughes</b>              |
| <b>Attorney Docket No.</b>  | <b>52427-AB<br/>/JPW/GJG/BJA/PJS</b> |

## INFORMATION DISCLOSURE CITATION

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## NON PATENT LITERATURE DOCUMENTS

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